SUPREME COURT U.S.

No. 418

Argued by ROBERT W. BJORK

Office - Supreme Court, U.S.
FILED
AUG 30 1957
JOHN T. FEY, Clerk

United States Court of Appeals

FOR THE SECOND CIRCUIT

C 153–38

UNITED STATES OF AMERICA,

Appellee,

–v–

LAWRENCE JOHNSON,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

[redacted]FOR THE UNITED STATES OF AMERICA
[redacted] APPENDIX

PAUL W. WILLIAMS,
United States Attorney for the
Southern District of New York,
Attorney for United States of America.

ROBERT W. BJORK,
ARTHUR B. KRAMER,
Assistant United States Attorneys,
Of Counsel.

INDEX TO APPENDIX

GOVERNMENT'S EXHIBITS

PAGE

5—24 Certificates of Compliance and Analysis submitted to N. Y. Ordnance District, 180 Varick St., N. Y. C. by Brakes, Inc. marked in evidence at page 42 of Appellant's Appendix (one representative certificate is reproduced) 3a

6—Certificate of Dissolution of Brakes, Inc. marked in evidence at page 46 of Appellant's Appendix 5a

7—Purchase Order of Brakes, Inc. "L No. 8180" placed with Elmhurst Rubber Co. relating to material called for in Contract DA-20-089-ORD-12442 FS marked in evidence at page 60 of Appellant's Appendix 11a

Government's Exhibit 5

(3a)

CERTIFICATE OF COMPLIANCE AND ANALYSIS

PROCUREMENT ORDER No.	PURCHASE ORDER No.
	DA 20-11 3 ORD 9218

THIS IS TO CERTIFY THAT (Item name and number)
5 SPRING HYD SLAVE CYLINDER PISTON OUTER

TO:

N.Y. ORDNANCE DISTRICT
180 VARICK ST.
N. Y. C.

LOT NUMBER	SHIPPED (Month, Day, Year)
	9 " 53
SHIPPED VIA	**CAR INITIALS AND No.**
ACME FAST FRT	
WEIGHT (Total Net Pounds)	**B/L NUMBER**
100	WY 2876647

CONSIGNED TO	SHIPPING ORDER No.	DELIVERY ORDER No.	QUANTITY
ANNISTON ORD DEPOT			200

BOXES NUMBERED	ITEM NUMBERS	MARKED	MEETS ALL THE REQUIREMENTS OF CONTRACT No
1	√		

IT IS FURTHER CERTIFIED THAT THE FOLLOWING IS AN ANALYSIS OF THE ABOVE MATERIAL, COVERING DETAILED REQUIREMENTS OF APPLICABLE SPECIFICATION NUMBER _____ DATED _____ AND _____

LIST APPLICABLE AUTHORIZED WAIVERS AND CHANGES

TEST PRESCRIBED	SPECIFICATION LIMITS.		ANALYTICAL RESULT
	MAXIMUM	MINIMUM	

Government's Exhibit 5

24 Certificates of Compliance and Analysis submitted to N. Y. Ordnance District, 180 Varick St., N. Y. C. by Brakes, Inc.

(OFFSET)

[*For convenience of Court and Counsel one example of the certificates comprising this Exhibit is bound in on the opposite page.*]

Government's Exhibit 6 (5A)

[redacted]

Certificate of Dissolution of

BRAKES, INC.

Pursuant to Article Ten of the Stock Corporation Law (Section 105, of the Stock Corporation Law), we the undersigned, being holders of record of all the outstanding shares of the capital stock of the **BRAKES, INC,**
entitled to vote on the dissolution of the corporation.

Certify

I. That the name of the corporation is **BRAKES, INC.**

II. That the certificate of incorporation of said corporation was duly filed in the office of the Secretary of State on the 4th *day of* June *19* 42 *and the duplicate original certificate of incorporation was filed in the office of the Clerk of the County of* Queens *on the* 6th *day of* June *19*42.

III. That the said corporation elects to dissolve

IV. That the names and post-office addresses of the directors are:

Names	*Post-office Addresses*
CHARLES LIBBY	37-16 Queens Blvd., L.I.C., N.Y.
LAWRENCE JOHNSON	37-16 Queens Blvd., L.I.C., N.Y.
WILLIAM STEVENS	37-16 Queens Blvd., L.I.C., N.Y.

CHARLES LIBBY		37-16 Queens Blvd., L.I.C., N.Y.
LAWRENCE JOHNSON		37-16 Queens Blvd., L.I.C., N.Y.
WILLIAM STEVENS		37-16 Queens Blvd., L.I.C., N.Y.

V. That the names, titles and post office addresses of the officers of the corporation are:

Names	*Titles*	*Post-office Addresses*
LAWRENCE JOHNSON	President	37-16 Queens Blvd. L.I.C., N.Y.
CHARLES LIBBY	Secretary & Treasurer	37-16 Queens Blvd. L.I.C., N.Y.

In Witness Whereof, *we have made and subscribed this certificate in triplicate this* 14 *day of* February 1955

Lawrence Johnson (L. S.)

(L. S.)

(L. S.)

SEE INFORMATION
(Sec. 105, Subd. 6 and 7,
Stock Corp. Law).

1093/1-5/

STATE OF NEW YORK,
CITY OF NEW YORK
COUNTY OF QUEENS } ss.:

(7A)

On this 14th day of [illegible] 1955, before me personally came and appeared LAWRENCE JOHNSON

and ..... to me known and known to me to be the individuals described in and who executed the foregoing certificate, and they duly and severally acknowledged to me that they executed the same.

[signature]

.....

STATE OF NEW YORK,
CITY OF NEW YORK
COUNTY OF QUEENS } ss.

LAWRENCE JOHNSON and CHARLES LIBBY

being severally and duly sworn each for themselves depose and say: That they are respectively the

NUMBER _____ DATED _____

LIST APPLICABLE AUTHORIZED WAIVERS AND CHANGES

TEST PRESCRIBED	SPECIFICATION LIMITS		ANALYTICAL RESULT
	MAXIMUM	MINIMUM	

REMARKS

I certify material listed hereon is in strict accordance with the manufacturers specification for the manufactured parts listed hereon, all requirements of the contract and specifications, and the parts are interchangeable for the end item intended.

NAME OF COMPANY BRAKES, INC.
37-16 QUEENS BLVD.
L. I. CITY, N. Y.
STillwell 4-6417

NAME AND TITLE OF OFFICIAL
Charles Lebby V.P.

DATE
9/24/53

STATE OF N Y
COUNTY OF QUEENS SS

Subscribed and sworn to before me, a Notary Public in and for the State and county aforesaid, this the
24 day of 9/24 1953

NOTARY SEAL

LAWRENCE JOHNSON
NOTARY PUBLIC, STATE OF NEW YORK
No. 41-1982300
Qualified in Queens County
Cert. filed with Queens Co. Clerk & Reg.
Term expires March 30, 1955

Lawrence Johnson
Notary Public
MY COMMISSION EXPIRES

DA AGO FORM 1 MAR 51 694

REPLACES WD AGO FORM 694, 7 AUG 44, WHICH MAY BE USED

16—41622-1 U. S. GOVERNMENT PRINTING OFFICE

Government's Exhibit 6

Certificate of Dissolution of Brakes, Inc.

(OFFSET)

[*For convenience of Court and Counsel the three pages comprising this Exhibit are bound in on the opposite pages.*]

Page 1 of Certificate

Government's Exhibit 6 (Continued)

Page 3 of Certificate

(9a)

CT (10-53)

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
CORPORATION TAX BUREAU
ALBANY 1, N. Y.

Pursuant to the provisions of Section 105 of Article 10 of the Stock Corporation Law, the STATE TAX COMMISSION hereby consents to the filing of the certificate of dissolution of Braker, Inc.

Dated 4-18-55

This consent good only to 4-29-55

STATE TAX COMMISSION

By Arthur M. Sundlach
Deputy Tax Commissioner

S993-105-3

STATE OF NEW YORK,
CITY OF NEW YORK
COUNTY OF QUEENS } ss.:

LAWRENCE JOHNSON and CHARLES LIBBY

being severally and duly sworn each for themselves depose and say: That they are respectively the president and secretary of BRAKES, INC. , the above named corporation; that the persons who have subscribed the foregoing certificate, in person or by proxy, constitute the holders of record of all of the outstanding shares of the corporation entitled to vote thereon.

Sworn to before me this
day of February 1955

Lawrence Johnson

Charles Libby

Government's Exhibit 7

Purchase Order.

(OFFSET)

[For convenience of Court and Counsel this Exhibit is bound in on the opposite page.]

BRAKES INC.
~~37-16~~ QUEENS BLVD.
LONG ISLAND CITY, N. Y.
STillwell 4-6417

PURCHASE ORDER

L Nº 8180 3/14

THIS ORDER NUMBER MUST APPEAR ON YOUR INVOICE

TO Edmont Rubber Co.

PHHS Ex E-B-3102 2/53 194 1
6/2/54
R.B.

SHIP VIA

Please enter our order for goods entered below:

QUANTITY	DESCRIPTION	PRICE	DISC.	NET
4,424 ~~pr~~	Detroit Ordnance Cat. Re. Tes			
2500 — 6" Dia	Contract # DA-20-089-ORD			
600 ea 2000 — 8" Dia	12442 FL			
10,000 — 220 Washers. 213630	27.85M — Comp. 30-42			
	Stage for Comp			

Deliver no goods without a written order

BRAKES INC.

BY

Government's Exhibit 7